

REMARKS

Claims 1-24 are pending in the present application. By this Amendment, claim 1 has been amended. Claims 17-24 have been withdrawn by the Examiner. No new matter has been added.

Claims 1-12 and 14-16 are rejected under 35 U.S.C. § 103(a) as being obvious over US Patent Application Publication No. 2001/0021375 to Hössel et al. (hereinafter “Hössel 1”).

Claim 1 recites an aqueous polymer dispersion Pd) obtained by free-radical polymerization of a monomer mixture M) “in an aqueous medium in the presence of at least one polymeric anionic dispersant D).” At least these features of the independent claim cannot reasonably be considered to be suggested in Hössel 1, or in the other applied citations as further set forth below.

Prior to addressing the rejection in the Office Action, Applicants provide a brief overview over the superior results that have been achieved by performing the polymerization in an aqueous medium in the presence of at least one polymeric anionic dispersant D).

As evidenced by Table 1 at page 43 of Applicants’ disclosure, which compares inventive example 1 to comparative example C1, the presence of a suitable polymeric dispersant during the polymerization is required to achieve the superior results of the claimed subject matter, such as the remarkable reduction in combing force of 60%, relative to the reduction of only 26% for C1.

By contrast, Hössel 1 does not teach to polymerize the monomers in the presence of a polymeric anionic dispersant. As described at paragraph [0094], the mixtures according to Hössel 1 can be mixed (after preparation) with conventional polymers that may inter alia be anionic polymers. Not one of the preparation examples 1 to 9 at paragraphs [0115]— [0123] describes a polymerization in the presence of a polymeric anionic dispersant. It is of critical importance for the polymer dispersions of the invention that polymerization takes place in the presence of a polymeric anionic dispersant. The evaluation on page 43, line 14 — page 44, Fine 2 of the specification of the above-identified patent application shows that excellent hair cosmetic

properties can only be obtained in the presence of a suitable dispersant (CP5) and a crosslinker (TAA).

Claims 13 is rejected under 35 U.S.C. § 103(a) as being obvious over Hössel 1 in view of WO 2001/062809 to Kim et al.

The Office Action relies on Kim for teaching a polymerization regulator. Kim is not applied in a manner to cure the deficiencies Hössel 1 discussed above.

Claims 1, 2, 4-6, 8-12 and 15 are rejected under 35 U.S.C. § 103(a) as being obvious over US Patent No. 6,682,725 to Dieing et al.

The application of Dieing fails for the same reasons as discussed above with regard to Hössel 1. In particular, Diening teaches, at col. 6, lines 62-64, that the novel polymers can be blended with conventional hair cosmetic polymers, which the Office Action considers to correspond to an anionic dispersant as claimed. However, Diening fails to teach that the novel polymers taught therein are polymerized in the presence of conventional hair cosmetic polymers.

Claims 1, 2, 4-6, 8-12 and 15 are rejected under 35 U.S.C. § 103(a) as being obvious over US Patent No. 7,422,735 to Hössel et al. (hereinafter “Hössel 2”).

The application of Hössel 2 fails for the same reasons as discussed above with regard to Hössel 1 and Diening. Specifically, Hössel 2 teaches, at col. 9, lines 20-21, that the polymers according to the invention can also be mixed with traditional polymers. However, Hössel 2 fails to teach that the polymers according to the invention therein are polymerized in the presence of traditional polymers.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 13111-00029-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

Electronic signature: /Georg M. Hasselmann/
Georg M. Hasselmann
Registration No.: 62,324
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant